
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MICHAEL ANTHONY LORUSSO,

Plaintiff,

v.

JUSTIN CHESTER CROWDER,

Defendants.

**MEMORANDUM DECISION
& DISMISSAL ORDER**

Case No. 2:22-CV-448-JNP

District Judge Jill N. Parrish

On July 5, 2022, Michael Anthony LoRusso (“Mr. LoRusso”), a Florida inmate, filed a motion to proceed *in forma pauperis*. (ECF No. 1.) On July 12, 2022, Mr. LoRusso filed a *pro se* civil rights complaint pursuant to 42 U.S.C. §§ 1983, 1985 alleging that Defendant, Justin Chester Crowder had violated the Mann Act, 18 U.S.C. §§ 2421–2424. (ECF No. 4.) Before the court are motions filed by Mr. LoRusso to appoint counsel, (ECF No. 5), to report a violation of the Mann Act, (ECF No. 6), for an extension of time to submit prisoner’s trust fund account statement, (ECF No. 7), and to request a hearing to report violations of the Mann Act. (ECF No. 9.)

The IFP statute prohibits prisoners from proceeding *in forma pauperis* “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief” 28 U.S.C. § 1915(g). While incarcerated, Mr. LoRusso has filed three or more cases that have all been dismissed as either frivolous or for failure to state a claim. (ECF No. 8.) Thus, on August 3, 2022, this Court concluded that Plaintiff could not proceed *in forma pauperis* and must pay the \$350 filing fee up front. (ECF. No. 8.) The

court warned Mr. LoRusso that his complaint would be dismissed unless he paid the full filing fee within thirty days. *Id.*

On August 18, 2022, Mr. LoRusso responded that he was not filing a civil rights complaint but seeking to report a criminal violation of the Mann Act. (ECF No. 10.) However, Mr. LoRusso may not pursue criminal liability against Mr. Crowder through a civil rights complaint. Furthermore, Mr. LoRusso has not paid the filing fee that was due on September 3, 2022.

IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice.

DATED February 1, 2023.

BY THE COURT:



JILL N. PARRISH
United States District Judge